

BRIAN SANDOVAL
Governor

MICHAEL J. WILLDEN
Director



RICHARD WHITLEY, MS
Administrator

TRACEY D. GREEN, MD
State Health Officer

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

☐ Health Facilities/Lab Services
727 Fairview Dr. Suite E
Carson City, Nevada 89701
(775) 684-1030
Fax: (775) 684-1073

☒ Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 810, Building D
Las Vegas, NV 89119
(702) 486-6515
Fax: (702) 486-6520

☐ Radiological Health
4150 Technology Way
Suite 300
Carson City, Nevada 89706
(775) 687-7550
Fax: (775) 687-7552

☐ Radiological Health
2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5280
Fax: (702) 486-5024

NOTICE OF SUSPENSION OF LICENSE

HAND DELIVERY

May 19, 2011

Attention: Luz Aquino, Administrator
MSJ Home Care
4370 Adelphi Avenue
Las Vegas, NV 89120
NVS359AGC

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION intends to suspend your license to operate a Residential Facility for Group Care, specifically, MSJ Home Care, license # NVS359AGC, effective eleven working days after your receipt of this notice.

Statutory or Regulatory Authority

The Health Division is suspending your license in accordance with Nevada Revised Statutes (NRS) 449.163(3) for failure to pay an administrative penalty of \$800.

Facts Supporting the Suspension

The Health Division, Bureau of Health Care Quality and Compliance (BHCQC) conducted a Complaint Investigation on 6/08/10. The Health Division issued an administrative penalty notice on 8/09/10 in the amount of \$800. This notice was sent certified mail on 8/10/10 and was signed for on 8/11/10. A reminder notice was issued via certified mail on 10/1/10 and this notice was signed for on 10/04/10. The notice indicated the Health Division would suspend your license within 10 days unless the penalty was paid. Follow-up phone calls were placed on 12/4/10, 1/25/11 and 4/6/11. The Health Division has not yet received payment of the administrative penalty.

Notice of Right to Appeal

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you have received this notice. The

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local BHCQC office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Sanction

If you submit a timely request for appeal, the effective date of the action will be stayed, pending the hearing on appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the action will be imposed as of the 11th working day after you receive this notice. NAC 439.348 indicates that except as otherwise provided in NAC 449.99908 the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal.

When this suspension action becomes effective, you must facilitate the placement of residents who are now in your facility into appropriate settings in accordance with Nevada Revised Statute 449.700. During the relocation you must provide the Bureau all information concerning discharge of the residents, including: a copy of the notice described in NRS 449.700(2), when the resident was moved, where the resident is now located and information concerning the next of kin or responsible party for each resident.

Other Notifications

The Bureau of Health Care Quality and Compliance must upload information about sanctions applied to medical facilities to the Healthcare Integrity and Protection Databank within 30 days of providing the sanction notice to the facility.

If you have any questions about this notice or the contents therein, please call the supervisor indicated below. Please dial based on your facility's location, Southern Nevada (702)486-6515 or Northern Nevada (775)684-1030.

Sincerely,



Patricia Chambers, RN, Health Facilities Surveyor IV
For Wendy Simons, Bureau Chief

Attachments: Original Administrative Penalty Notice dated 8/9/10
Reminder Notice dated 10/1/10

Cc: Richard Whitley, Administrator
Marla McDade Williams, Deputy Administrator
Linda Anderson, Deputy Attorney General